



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 2/6/2004, by Jacqueline Y. Collins - Barack Obama

SYNOPSIS AS INTRODUCED:

820 ILCS 180/5
820 ILCS 180/10
820 ILCS 180/15
820 ILCS 180/20
820 ILCS 180/25
820 ILCS 180/30
820 ILCS 180/45

Amends the Victims' Economic Security and Safety Act. Expands the scope of the Act to victims of violent felony crimes (rather than just limited to victims of domestic or sexual violence).

LRB093 20719 RLC 46960 b

1 AN ACT concerning crime victims.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Victims' Economic Security and Safety Act is
5 amended by changing Sections 5, 10, 15, 20, 25, 30, and 45 as
6 follows:

7 (820 ILCS 180/5)

8 Sec. 5. Findings. The General Assembly finds and declares
9 the following:

10 (1) Violent felony crimes and domestic ~~Domestic~~ and
11 sexual violence affect ~~affects~~ many persons without regard
12 to age, race, educational level, socioeconomic status,
13 religion, or occupation.

14 (2) Violent felony crimes and domestic ~~Domestic~~ and
15 sexual violence have ~~has~~ a devastating effect on
16 individuals, families, communities and the workplace.

17 (3) Domestic violence crimes account for approximately
18 15% of total crime costs in the United States each year.

19 (4) Violence against women has been reported to be the
20 leading cause of physical injury to women. Such violence
21 has a devastating impact on women's physical and emotional
22 health and financial security.

23 (5) According to recent government surveys, from 1993
24 through 1998 the average annual number of violent
25 victimizations committed by intimate partners was
26 1,082,110, 87% of which were committed against women.

27 (6) Female murder victims were substantially more
28 likely than male murder victims to have been killed by an
29 intimate partner. About one-third of female murder
30 victims, and about 4% of male murder victims, were killed
31 by an intimate partner.

32 (7) According to recent government estimates,

1 approximately 987,400 rapes occur annually in the United
2 States, 89% of the rapes are perpetrated against female
3 victims.

4 (8) Approximately 10,200,000 people have been stalked
5 at some time in their lives. Four out of every 5 stalking
6 victims are women. Stalkers harass and terrorize their
7 victims by spying on the victims, standing outside their
8 places of work or homes, making unwanted phone calls,
9 sending or leaving unwanted letters or items, or
10 vandalizing property.

11 (9) Employees in the United States who have been
12 victims of domestic violence, dating violence, sexual
13 assault, ~~or~~ stalking, or violent felony crimes too often
14 suffer adverse consequences in the workplace as a result of
15 their victimization.

16 (10) Victims of domestic violence, dating violence,
17 sexual assault, ~~and~~ stalking, and violent felony crimes
18 face the threat of job loss and loss of health insurance as
19 a result of the illegal acts of the perpetrators of
20 violence.

21 (11) The prevalence of domestic violence, dating
22 violence, sexual assault, stalking, ~~and~~ other violence
23 against women, and violent felony crimes at work is
24 dramatic. Approximately 11% of all rapes occur in the
25 workplace. About 50,500 individuals, 83% of whom are women,
26 were raped or sexually assaulted in the workplace each year
27 from 1992 through 1996. Half of all female victims of
28 violent workplace crimes know their attackers. Nearly one
29 out of 10 violent workplace incidents is committed by
30 partners or spouses.

31 (12) Homicide is the leading cause of death for women
32 on the job. Husbands, boyfriends, and ex-partners commit
33 15% of workplace homicides against women.

34 (13) Studies indicate that as much as 74% of employed
35 battered women surveyed were harassed at work by their
36 abusive partners.

1 (14) According to a 1998 report of the U.S. General
2 Accounting Office, between one-fourth and one-half of
3 domestic violence victims surveyed in 3 studies reported
4 that the victims lost a job due, at least in part, to
5 domestic violence.

6 (15) Women who have experienced domestic violence or
7 dating violence are more likely than other women to be
8 unemployed, to suffer from health problems that can affect
9 employability and job performance, to report lower
10 personal income, and to rely on welfare.

11 (16) Abusers frequently seek to control their partners
12 by actively interfering with their ability to work,
13 including preventing their partners from going to work,
14 harassing their partners at work, limiting the access of
15 their partners to cash or transportation, and sabotaging
16 the child care arrangements of their partners.

17 (17) More than one-half of women receiving welfare have
18 been victims of domestic violence as adults and between
19 one-fourth and one-third reported being abused in the last
20 year.

21 (18) Sexual assault, whether occurring in or out of the
22 workplace, can impair an employee's work performance,
23 require time away from work, and undermine the employee's
24 ability to maintain a job. Almost 50% of sexual assault
25 survivors lose their jobs or are forced to quit in the
26 aftermath of the assaults.

27 (19) More than one-fourth of stalking victims report
28 losing time from work due to the stalking and 7% never
29 return to work.

30 (20) (A) According to the National Institute of
31 Justice, crime costs an estimated \$450,000,000,000
32 annually in medical expenses, lost earnings, social
33 service costs, pain, suffering, and reduced quality of life
34 for victims, which harms the Nation's productivity and
35 drains the Nation's resources. (B) Violent crime accounts
36 for \$426,000,000,000 per year of this amount. (C) Rape

1 exacts the highest costs per victim of any criminal
2 offense, and accounts for \$127,000,000,000 per year of the
3 amount described in subparagraph (A).

4 (21) The Bureau of National Affairs has estimated that
5 domestic violence costs United States employers between
6 \$3,000,000,000 and \$5,000,000,000 annually in lost time
7 and productivity. Other reports have estimated that
8 domestic violence costs United States employers
9 \$13,000,000,000 annually.

10 (22) United States medical costs for domestic violence
11 have been estimated to be \$31,000,000,000 per year.

12 (23) Ninety-four percent of corporate security and
13 safety directors at companies nationwide rank domestic
14 violence as a high security concern.

15 (24) Forty-nine percent of senior executives recently
16 surveyed said domestic violence has a harmful effect on
17 their company's productivity, 47% said domestic violence
18 negatively affects attendance, and 44% said domestic
19 violence increases health care costs.

20 (25) Employees, including individuals participating in
21 welfare to work programs, may need to take time during
22 business hours to:

23 (A) obtain orders of protection;

24 (B) seek medical or legal assistance, counseling,
25 or other services; or

26 (C) look for housing in order to escape from
27 domestic violence.

28 (Source: P.A. 93-591, eff. 8-25-03.)

29 (820 ILCS 180/10)

30 Sec. 10. Definitions. In this Act, except as otherwise
31 expressly provided:

32 (1) "Commerce" includes trade, traffic, commerce,
33 transportation, or communication; and "industry or
34 activity affecting commerce" means any activity, business,
35 or industry in commerce or in which a labor dispute would

1 hinder or obstruct commerce or the free flow of commerce,
2 and includes "commerce" and any "industry affecting
3 commerce".

4 (2) "Course of conduct" means a course of repeatedly
5 maintaining a visual or physical proximity to a person or
6 conveying oral or written threats, including threats
7 conveyed through electronic communications, or threats
8 implied by conduct.

9 (3) "Department" means the Department of Labor.

10 (4) "Director" means the Director of Labor.

11 (5) "Domestic or sexual violence" means domestic
12 violence, sexual assault, or stalking.

13 (6) "Domestic violence" includes acts or threats of
14 violence, not including acts of self defense, as defined in
15 subdivision (3) of Section 103 of the Illinois Domestic
16 Violence Act of 1986, sexual assault, or death to the
17 person, or the person's family or household member, if the
18 conduct causes the specific person to have such distress or
19 fear.

20 (7) "Electronic communications" includes
21 communications via telephone, mobile phone, computer,
22 e-mail, video recorder, fax machine, telex, or pager.

23 (8) "Employ" includes to suffer or permit to work.

24 (9) Employee.

25 (A) In general. "Employee" means any person
26 employed by an employer.

27 (B) Basis. "Employee" includes a person employed
28 as described in subparagraph (A) on a full or part-time
29 basis, or as a participant in a work assignment as a
30 condition of receipt of federal or State income-based
31 public assistance.

32 (10) "Employer" means any of the following: (A) the
33 State or any agency of the State; (B) any unit of local
34 government or school district; or (C) any person that
35 employs at least 50 employees.

36 (11) "Employment benefits" means all benefits provided

1 or made available to employees by an employer, including
2 group life insurance, health insurance, disability
3 insurance, sick leave, annual leave, educational benefits,
4 and pensions, regardless of whether such benefits are
5 provided by a practice or written policy of an employer or
6 through an "employee benefit plan". "Employee benefit
7 plan" or "plan" means an employee welfare benefit plan or
8 an employee pension benefit plan or a plan which is both an
9 employee welfare benefit plan and an employee pension
10 benefit plan.

11 (12) "Family or household member" means a spouse,
12 parent, son, daughter, and persons jointly residing in the
13 same household.

14 (13) "Parent" means the biological parent of an
15 employee or an individual who stood in loco parentis to an
16 employee when the employee was a son or daughter. "Son or
17 daughter" means a biological, adopted, or foster child, a
18 stepchild, a legal ward, or a child of a person standing in
19 loco parentis, who is under 18 years of age, or is 18 years
20 of age or older and incapable of self-care because of a
21 mental or physical disability.

22 (14) "Perpetrator" means an individual who commits or
23 is alleged to have committed any act or threat of a violent
24 felony crime or domestic or sexual violence.

25 (15) "Person" means an individual, partnership,
26 association, corporation, business trust, legal
27 representative, or any organized group of persons.

28 (16) "Public agency" means the Government of the State
29 or political subdivision thereof; any agency of the State,
30 or of a political subdivision of the State; or any
31 governmental agency.

32 (17) "Public assistance" includes cash, food stamps,
33 medical assistance, housing assistance, and other benefits
34 provided on the basis of income by a public agency or
35 public employer.

36 (18) "Reduced work schedule" means a work schedule that

1 reduces the usual number of hours per workweek, or hours
2 per workday, of an employee.

3 (19) "Repeatedly" means on 2 or more occasions.

4 (20) "Sexual assault" means any conduct proscribed by
5 the Criminal Code of 1961 in Sections 12-13, 12-14,
6 12-14.1, 12-15, and 12-16.

7 (21) "Stalking" means any conduct proscribed by the
8 Criminal Code of 1961 in Sections 12-7.3 and 12-7.4.

9 (22) "Victim" or "survivor" means an individual who has
10 been subjected to a violent felony crime or domestic or
11 sexual violence.

12 (23) "Victim services organization" means a nonprofit,
13 nongovernmental organization that provides assistance to
14 victims of violent felony crimes or to victims of domestic
15 or sexual violence or to advocates for such victims,
16 including a rape crisis center, an organization carrying
17 out a domestic violence program, an organization operating
18 a shelter or providing counseling services, or a legal
19 services organization or other organization providing
20 assistance through the legal process.

21 (24) "Violent felony crime" means a violent crime as
22 defined in subsection (c) of Section 3 of the Rights of
23 Crime Victims and Witnesses Act that is a felony.

24 (Source: P.A. 93-591, eff. 8-25-03.)

25 (820 ILCS 180/15)

26 Sec. 15. Purposes. The purposes of this Act are:

27 (1) to promote the State's interest in reducing violent
28 felony crimes, domestic violence, dating violence, sexual
29 assault, and stalking by enabling victims of violent felony
30 crimes or of domestic or sexual violence to maintain the
31 financial independence necessary to leave abusive
32 situations, achieve safety, and minimize the physical and
33 emotional injuries from violent felony crimes or from
34 domestic or sexual violence, and to reduce the devastating
35 economic consequences of violent felony crimes and of

1 domestic or sexual violence to employers and employees;

2 (2) to address the failure of existing laws to protect
3 the employment rights of employees who are victims of
4 violent felony crimes or of domestic or sexual violence and
5 employees with a family or household member who is a victim
6 of a violent felony crime or of domestic or sexual
7 violence, by protecting the civil and economic rights of
8 those employees, and by furthering the equal opportunity of
9 women for economic self-sufficiency and employment free
10 from discrimination;

11 (3) to accomplish the purposes described in paragraphs
12 (1) and (2) by entitling employed victims of violent felony
13 crimes and of domestic or sexual violence to take unpaid
14 leave to seek medical help, legal assistance, counseling,
15 safety planning, and other assistance without penalty from
16 their employers.

17 (Source: P.A. 93-591, eff. 8-25-03.)

18 (820 ILCS 180/20)

19 Sec. 20. Entitlement to leave due to a violent felony crime
20 or to domestic or sexual violence.

21 (a) Leave requirement.

22 (1) Basis. An employee who is a victim of domestic or
23 sexual violence or has a family or household member who is
24 a victim of a violent felony crime or of domestic or sexual
25 violence whose interests are not adverse to the employee as
26 it relates to the violent felony crime or to domestic or
27 sexual violence may take unpaid leave from work to address
28 the violent felony crime or domestic or sexual violence by:

29 (A) seeking medical attention for, or recovering
30 from, physical or psychological injuries caused by the
31 violent felony crime or by domestic or sexual violence
32 to the employee or the employee's family or household
33 member;

34 (B) obtaining services from a victim services
35 organization for the employee or the employee's family

1 or household member;

2 (C) obtaining psychological or other counseling
3 for the employee or the employee's family or household
4 member;

5 (D) participating in safety planning, temporarily
6 or permanently relocating, or taking other actions to
7 increase the safety of the employee or the employee's
8 family or household member from future violent felony
9 crimes and from domestic or sexual violence or ensure
10 economic security; or

11 (E) seeking legal assistance or remedies to ensure
12 the health and safety of the employee or the employee's
13 family or household member, including preparing for or
14 participating in any civil or criminal legal
15 proceeding related to or derived from violent felony
16 crimes and from domestic or sexual violence.

17 (2) Period. Subject to subsection (c), an employee
18 shall be entitled to a total of 12 workweeks of leave
19 during any 12-month period. This Act does not create a
20 right for an employee to take unpaid leave that exceeds the
21 unpaid leave time allowed under, or is in addition to the
22 unpaid leave time permitted by, the federal Family and
23 Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

24 (3) Schedule. Leave described in paragraph (1) may be
25 taken intermittently or on a reduced work schedule.

26 (b) Notice. The employee shall provide the employer with at
27 least 48 hours' advance notice of the employee's intention to
28 take the leave, unless providing such notice is not
29 practicable. When an unscheduled absence occurs, the employer
30 may not take any action against the employee if the employee,
31 within a reasonable period after the absence, provides
32 certification under subsection (c).

33 (c) Certification.

34 (1) In general. The employer may require the employee
35 to provide certification to the employer that:

36 (A) the employee or the employee's family or

1 household member is a victim of a violent felony crime
2 or domestic or sexual violence; and

3 (B) the leave is for one of the purposes enumerated
4 in paragraph (a) (1).

5 The employee shall provide such certification to the
6 employer within a reasonable period after the employer
7 requests certification.

8 (2) Contents. An employee may satisfy the
9 certification requirement of paragraph (1) by providing to
10 the employer a sworn statement of the employee, and upon
11 obtaining such documents the employee shall provide:

12 (A) documentation from an employee, agent, or
13 volunteer of a victim services organization, an
14 attorney, a member of the clergy, or a medical or other
15 professional from whom the employee or the employee's
16 family or household member has sought assistance in
17 addressing a violent felony crime or domestic or sexual
18 violence and the effects of the violent felony crime or
19 violence;

20 (B) a police or court record; or

21 (C) other corroborating evidence.

22 (d) Confidentiality. All information provided to the
23 employer pursuant to subsection (b) or (c), including a
24 statement of the employee or any other documentation, record,
25 or corroborating evidence, and the fact that the employee has
26 requested or obtained leave pursuant to this Section, shall be
27 retained in the strictest confidence by the employer, except to
28 the extent that disclosure is:

29 (1) requested or consented to in writing by the
30 employee; or

31 (2) otherwise required by applicable federal or State
32 law.

33 (e) Employment and benefits.

34 (1) Restoration to position.

35 (A) In general. Any employee who takes leave under
36 this Section for the intended purpose of the leave

1 shall be entitled, on return from such leave:

2 (i) to be restored by the employer to the
3 position of employment held by the employee when
4 the leave commenced; or

5 (ii) to be restored to an equivalent position
6 with equivalent employment benefits, pay, and
7 other terms and conditions of employment.

8 (B) Loss of benefits. The taking of leave under
9 this Section shall not result in the loss of any
10 employment benefit accrued prior to the date on which
11 the leave commenced.

12 (C) Limitations. Nothing in this subsection shall
13 be construed to entitle any restored employee to:

14 (i) the accrual of any seniority or employment
15 benefits during any period of leave; or

16 (ii) any right, benefit, or position of
17 employment other than any right, benefit, or
18 position to which the employee would have been
19 entitled had the employee not taken the leave.

20 (D) Construction. Nothing in this paragraph shall
21 be construed to prohibit an employer from requiring an
22 employee on leave under this Section to report
23 periodically to the employer on the status and
24 intention of the employee to return to work.

25 (2) Maintenance of health benefits.

26 (A) Coverage. Except as provided in subparagraph
27 (B), during any period that an employee takes leave
28 under this Section, the employer shall maintain
29 coverage for the employee and any family or household
30 member under any group health plan for the duration of
31 such leave at the level and under the conditions
32 coverage would have been provided if the employee had
33 continued in employment continuously for the duration
34 of such leave.

35 (B) Failure to return from leave. The employer may
36 recover the premium that the employer paid for

1 maintaining coverage for the employee and the
2 employee's family or household member under such group
3 health plan during any period of leave under this
4 Section if:

5 (i) the employee fails to return from leave
6 under this Section after the period of leave to
7 which the employee is entitled has expired; and

8 (ii) the employee fails to return to work for a
9 reason other than:

10 (I) the continuation, recurrence, or onset
11 of a violent felony crime or domestic or sexual
12 violence that entitles the employee to leave
13 pursuant to this Section; or

14 (II) other circumstances beyond the
15 control of the employee.

16 (C) Certification.

17 (i) Issuance. An employer may require an
18 employee who claims that the employee is unable to
19 return to work because of a reason described in
20 subclause (I) or (II) of subparagraph (B)(ii) to
21 provide, within a reasonable period after making
22 the claim, certification to the employer that the
23 employee is unable to return to work because of
24 that reason.

25 (ii) Contents. An employee may satisfy the
26 certification requirement of clause (i) by
27 providing to the employer:

28 (I) a sworn statement of the employee;

29 (II) documentation from an employee,
30 agent, or volunteer of a victim services
31 organization, an attorney, a member of the
32 clergy, or a medical or other professional from
33 whom the employee has sought assistance in
34 addressing a violent felony crime or domestic
35 or sexual violence and the effects of that
36 violent felony crime or violence;

1 (III) a police or court record; or

2 (IV) other corroborating evidence.

3 (D) Confidentiality. All information provided to
4 the employer pursuant to subparagraph (C), including a
5 statement of the employee or any other documentation,
6 record, or corroborating evidence, and the fact that
7 the employee is not returning to work because of a
8 reason described in subclause (I) or (II) of
9 subparagraph (B)(ii) shall be retained in the
10 strictest confidence by the employer, except to the
11 extent that disclosure is:

12 (i) requested or consented to in writing by the
13 employee; or

14 (ii) otherwise required by applicable federal
15 or State law.

16 (f) Prohibited acts.

17 (1) Interference with rights.

18 (A) Exercise of rights. It shall be unlawful for
19 any employer to interfere with, restrain, or deny the
20 exercise of or the attempt to exercise any right
21 provided under this Section.

22 (B) Employer discrimination. It shall be unlawful
23 for any employer to discharge or harass any individual,
24 or otherwise discriminate against any individual with
25 respect to compensation, terms, conditions, or
26 privileges of employment of the individual (including
27 retaliation in any form or manner) because the
28 individual:

29 (i) exercised any right provided under this
30 Section; or

31 (ii) opposed any practice made unlawful by
32 this Section.

33 (C) Public agency sanctions. It shall be unlawful
34 for any public agency to deny, reduce, or terminate the
35 benefits of, otherwise sanction, or harass any
36 individual, or otherwise discriminate against any

1 individual with respect to the amount, terms, or
2 conditions of public assistance of the individual
3 (including retaliation in any form or manner) because
4 the individual:

5 (i) exercised any right provided under this
6 Section; or

7 (ii) opposed any practice made unlawful by
8 this Section.

9 (2) Interference with proceedings or inquiries. It
10 shall be unlawful for any person to discharge or in any
11 other manner discriminate (as described in subparagraph
12 (B) or (C) of paragraph (1)) against any individual because
13 such individual:

14 (A) has filed any charge, or has instituted or
15 caused to be instituted any proceeding, under or
16 related to this Section;

17 (B) has given, or is about to give, any information
18 in connection with any inquiry or proceeding relating
19 to any right provided under this Section; or

20 (C) has testified, or is about to testify, in any
21 inquiry or proceeding relating to any right provided
22 under this Section.

23 (Source: P.A. 93-591, eff. 8-25-03.)

24 (820 ILCS 180/25)

25 Sec. 25. Existing leave usable for addressing a violent
26 felony crime or domestic or sexual violence. An employee who is
27 entitled to take paid or unpaid leave (including family,
28 medical, sick, annual, personal, or similar leave) from
29 employment, pursuant to federal, State, or local law, a
30 collective bargaining agreement, or an employment benefits
31 program or plan, may elect to substitute any period of such
32 leave for an equivalent period of leave provided under Section
33 20.

34 (Source: P.A. 93-591, eff. 8-25-03.)

1 (820 ILCS 180/30)

2 Sec. 30. Victims' employment sustainability; prohibited
3 discriminatory acts.

4 (a) An employer shall not fail to hire, refuse to hire,
5 discharge, or harass any individual, otherwise discriminate
6 against any individual with respect to the compensation, terms,
7 conditions, or privileges of employment of the individual, or
8 retaliate against an individual in any form or manner, and a
9 public agency shall not deny, reduce, or terminate the benefits
10 of, otherwise sanction, or harass any individual, otherwise
11 discriminate against any individual with respect to the amount,
12 terms, or conditions of public assistance of the individual, or
13 retaliate against an individual in any form or manner, because:

14 (1) the individual involved:

15 (A) is or is perceived to be a victim of a violent
16 felony crime or domestic or sexual violence;

17 (B) attended, participated in, prepared for, or
18 requested leave to attend, participate in, or prepare
19 for a criminal or civil court proceeding relating to an
20 incident of a violent felony crime or domestic or
21 sexual violence of which the individual or a family or
22 household member of the individual was a victim; or

23 (C) requested an adjustment to a job structure,
24 workplace facility, or work requirement, including a
25 transfer, reassignment, or modified schedule, leave, a
26 changed telephone number or seating assignment,
27 installation of a lock, or implementation of a safety
28 procedure in response to actual or threatened
29 commission of a violent felony crime or domestic or
30 sexual violence, regardless of whether the request was
31 granted; or

32 (2) the workplace is disrupted or threatened by the
33 action of a person whom the individual states has committed
34 or threatened to commit a violent felony crime or domestic
35 or sexual violence against the individual or the
36 individual's family or household member.

1 (b) In this Section:

2 (1) "Discriminate", used with respect to the terms,
3 conditions, or privileges of employment or with respect to
4 the terms or conditions of public assistance, includes not
5 making a reasonable accommodation to the known limitations
6 resulting from circumstances relating to being a victim of
7 a violent felony crime or domestic or sexual violence or a
8 family or household member being a victim of a violent
9 felony crime or domestic or sexual violence of an otherwise
10 qualified individual:

11 (A) who is:

12 (i) an applicant or employee of the employer
13 (including a public agency); or

14 (ii) an applicant for or recipient of public
15 assistance from a public agency; and

16 (B) who is:

17 (i) a victim of a violent felony crime or
18 domestic or sexual violence; or

19 (ii) with a family or household member who is a
20 victim of a violent felony crime or domestic or
21 sexual violence whose interests are not adverse to
22 the individual in subparagraph (A) as it relates to
23 the violent felony crime or domestic or sexual
24 violence;

25 unless the employer or public agency can demonstrate that
26 the accommodation would impose an undue hardship on the
27 operation of the employer or public agency.

28 (2) "Qualified individual" means:

29 (A) in the case of an applicant or employee
30 described in paragraph (1)(A)(i), an individual who,
31 but for being a victim of a violent felony crime or
32 domestic or sexual violence or with a family or
33 household member who is a victim of a violent felony
34 crime or domestic or sexual violence, can perform the
35 essential functions of the employment position that
36 such individual holds or desires; or

1 (B) in the case of an applicant or recipient
2 described in paragraph (1)(A)(ii), an individual who,
3 but for being a victim of a violent felony crime or
4 domestic or sexual violence or with a family or
5 household member who is a victim of a violent felony
6 crime or domestic or sexual violence, can satisfy the
7 essential requirements of the program providing the
8 public assistance that the individual receives or
9 desires.

10 (3) "Reasonable accommodation" may include an
11 adjustment to a job structure, workplace facility, or work
12 requirement, including a transfer, reassignment, or
13 modified schedule, leave, a changed telephone number or
14 seating assignment, installation of a lock, or
15 implementation of a safety procedure, in response to actual
16 or threatened commission of a violent felony crime or
17 domestic or sexual violence.

18 (4) Undue hardship.

19 (A) In general. "Undue hardship" means an action
20 requiring significant difficulty or expense, when
21 considered in light of the factors set forth in
22 subparagraph (B).

23 (B) Factors to be considered. In determining
24 whether a reasonable accommodation would impose an
25 undue hardship on the operation of an employer or
26 public agency, factors to be considered include:

27 (i) the nature and cost of the reasonable
28 accommodation needed under this Section;

29 (ii) the overall financial resources of the
30 facility involved in the provision of the
31 reasonable accommodation, the number of persons
32 employed at such facility, the effect on expenses
33 and resources, or the impact otherwise of such
34 accommodation on the operation of the facility;

35 (iii) the overall financial resources of the
36 employer or public agency, the overall size of the

1 business of an employer or public agency with
2 respect to the number of employees of the employer
3 or public agency, and the number, type, and
4 location of the facilities of an employer or public
5 agency; and

6 (iv) the type of operation of the employer or
7 public agency, including the composition,
8 structure, and functions of the workforce of the
9 employer or public agency, the geographic
10 separateness of the facility from the employer or
11 public agency, and the administrative or fiscal
12 relationship of the facility to the employer or
13 public agency.

14 (Source: P.A. 93-591, eff. 8-25-03.)

15 (820 ILCS 180/45)

16 Sec. 45. Effect on other laws and employment benefits.

17 (a) More protective laws, agreements, programs, and plans.
18 Nothing in this Act shall be construed to supersede any
19 provision of any federal, State, or local law, collective
20 bargaining agreement, or employment benefits program or plan
21 that provides:

22 (1) greater leave benefits for victims of violent
23 felony crimes or domestic or sexual violence than the
24 rights established under this Act; or

25 (2) leave benefits for a larger population of victims
26 of violent felony crimes or domestic or sexual violence (as
27 defined in such law, agreement, program, or plan) than the
28 victims of violent felony crimes or domestic or sexual
29 violence covered under this Act.

30 (b) Less protective laws, agreements, programs, and plans.
31 The rights established for employees who are victims of violent
32 felony crimes or domestic or sexual violence and employees with
33 a family or household member who is a victim of a violent
34 felony crime or domestic or sexual violence under this Act
35 shall not be diminished by any federal, State or local law,

1 collective bargaining agreement, or employment benefits
2 program or plan.

3 (Source: P.A. 93-591, eff. 8-25-03.)